



APPROVED July 7, 2008

**CITY OF ALBANY
PLANNING COMMISSION
City Hall Council Chambers, 333 Broadalbin Street
Monday, May 5, 2008
5:15 p.m.**

MINUTES

Planning Commissioners present: Paul Davis, David Faller, Lolly Gibbs, Cordell Post, Wayne Rackham, Dala Rouse, and Mark Spence

Planning Commissioners absent: Michael Styler and Scott Whitney

Staff present: Planning Manager Don Donovan, Infrastructure Analyst Mike Leopard, Transportation Analyst Ron Irish, and Administrative Assistant I Tracy Swett

Others present: Four others were present in the audience, including the applicants.

CALL TO ORDER

Chair David Faller called the meeting to order at 5:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

APPROVAL OF THE April 21, 2008, MINUTES

Commissioner Mark Spence moved to approve the minutes as written. Commissioner Dala Rouse seconded the motion, which passed 5:0. Commissioners Lolly Gibbs and Cordell Post abstained from voting due to absence.

QUASI-JUDICIAL PUBLIC HEARING, Case File Number VC-01-08 (Jefferson/Jackson vacation)

Faller called to order a public hearing on Planning file VC-01-08, rights-of-way vacation of portions of Jackson and Jefferson Streets, north of Water Avenue. The Albany City Council initiated this application at the request of Ohanamula LLC, Glorietta Bay LLC, and John Boock, Jr.

Declarations:

Post reported a site visit. He said he did not realize there were rights-of-way at those locations. He also advised the Commission that as a member of the Central Albany Revitalization Area (CARA) Board, he has heard some of the applicants' plans during funding requests. He did not recall discussion of street vacations during those presentations.

Rouse reported she has visited the walking trail and toured the Boock building.

Commissioner Wayne Rackham reported many site visits, without lasting impressions.

Spence also reported many site visits.

Staff Report:

Infrastructure Analyst Mike Leopard summarized the staff report. He showed an aerial of the proposed rights-of-way vacations on the overhead projector (Attachment A, in staff report). He explained the rights-of-way were dedicated to the City in 1882. Since the streets dead end at the river, it is likely they have only served as accessways to the adjacent properties.

On February 13, 2008, Council agreed to initiate the vacation of these two portions of rights-of-way as requested by adjacent property owners. The property owner to the west of Jackson Street has submitted a development application. The property owner west of Jefferson Street has provided a conceptual plan for future development of that property.

Leopard showed a diagram of the public utilities in the area, with sewer marked in green, water marked in blue, stormwater marked in dashed pink, and a public utility easement (PUE) marked in black hatch (Attachment D, in agenda file). He said a sanitary sewer interceptor main is the only public utility in the area of the proposed vacations. A 40-foot-wide PUE is recorded for portions of the main adjacent to the areas proposed for vacation. Staff recommends a similar PUE be retained over the sewer that runs through the subject rights-of-way.

He said the streets within the rights-of-way have never been improved with curb and gutter. No extensions of the streets are feasible because of their proximity to the river. The vacations would not have a negative impact to the City's transportation system or on connectivity between public streets.

Currently, the riverfront path runs along the south boundary of the property to the east side of Jackson Street and through the Jackson Street right-of-way. The proposed development on the property shows the path will be relocated to the riverbank, north of the property. Public paths from Water Avenue to the riverfront path through both proposed rights-of-way are shown on the conceptual plan for development and the site plan for the western property. Public access easements shall be retained to provide legal public access and use of the paths.

Leopard said Comprehensive Plan Goal 15 discusses issues related to the Willamette River Greenway, intending to maintain the scenic and recreation qualities of the river. A policy related to this goal protects and preserves the natural and scenic qualities of the publicly-owned properties on both sides of the Willamette to provide for future recreation opportunities and other future uses compatible with greenway values. Staff recommends retaining a view corridor easement along both areas proposed for vacation. This would prohibit the construction of any above-ground structures that would block the view of the river.

The adjacent property owners intend to continue to use these areas as access to their properties from Water Avenue. A joint-use access and maintenance agreement must be prepared and signed by the adjacent property owners in order to provide a mechanism to maintain the accesses.

Post asked if the view easement would prohibit signs and fencing also. Leopard said yes, only landscaping would be allowed in the area of the view easement. Post asked what the City is giving up. Leopard said the vacations would allow the adjacent property owners to construct improvements in a consistent manner across the adjacent properties.

Applicant Testimony:

Candace Ribera, 545 Vista Avenue SE (Salem), said she is the land use consultant who prepared the application on behalf of the applicants. The applicants are in agreement with the staff report, its recommendations, and conditions of approval.

She showed a diagram (Attachment F, in agenda file) of the proposed adjacent developments and pointed to the relocated bike path, existing bikeway, and the locations of proposed accessways to the river.

Gibbs asked the timeline for sidewalk completion. Ribera said the sidewalk would be completed with the development of the restaurant. Gibbs asked if the existing path would still be in use until that time. Ribera said yes.

Spence asked the conditions identified by the applicants on the north side of the property where the bike path will be relocated. Ribera said the applicant will be working with the Albany Parks Department to obtain the necessary permits to relocate the path. Portions of the path are known to overhang areas identified as floodplain, but public improvements are exempt from some of the Federal Emergency Management Agency's (FEMA) regulations for construction in the floodplain.

Ribera pointed out three vista areas along the new bike path, as well as a seating area for the restaurant on the diagram.

Gibbs asked if there was ever an intention for Jackson or Jefferson Streets to be extended and bridge over the river. Planning Manager Don Donovan said Transportation Analyst Ron Irish could address that after the applicants' testimony.

Rouse asked if bank stabilization would be needed in the area of the bike path. Ribera said nothing specific has been identified, but stabilization will be addressed if needed. She said if trees are removed, the trunks would be cut, leaving the root system to ensure bank stability.

Testimony In Favor: None.

Opposing Testimony: None.

Neutral Testimony: None.

Applicant Rebuttal: None.

Staff Response:

Transportation Analyst Ron Irish said a new bridge across the river has been identified as a future need. In general, a bridge needs to connect to an arterial street due to high traffic levels. Both streets in this application are classified as minor local streets and are not built to handle high traffic volumes.

He said two locations have been modeled for a future bridge, including an extension of Elm Street to North Albany Road, and Springhill Road to Millersburg, outside of city limits.

Chair Faller closed the public hearing at 5:35 p.m.

Commission Discussion:

Rouse said this would be an asset to the downtown area and the riverbank. She said Albany used to prohibit buildings of this height in this area, but she does not see it as a problem anymore since changes were made to Greenway Review.

Commission Action:

Rouse moved that the Planning Commission recommend that the City Council approve with conditions the application that would result in the vacation of portions of Jackson Street NE and Jefferson Street NE, north of Water Avenue (File VC-01-08). The motion was based on the findings and conclusions of the staff report and testimony presented at the public hearing. Post seconded the motion, which passed 7:0.

ACTIVITY UPDATE:

Donovan explained the meeting scheduled for May 19, 2008, had been cancelled. He said the school's Conditional Use application was found to be unnecessary because it was determined that the Knox Butte access was financially assured upon formation of a local improvement district (LID). The engineer's report has been authorized and a hearing on the LID will be held May 28, 2008.

NEXT MEETING DATE:

The meeting previously scheduled for Monday, May 19, 2008, has been cancelled. The next meeting of the Planning Commission is to be determined.

ADJOURNMENT

Hearing no further business, Chair Faller adjourned the meeting at 5:42.

Submitted by

Tracy Swett
Administrative Assistant I

Reviewed by

Signature on file

Don Donovan
Planning Manager